IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISON

FASCIA EDWARDS,)	
)	
Plaintiff,)	
)	No. 12 C 371
v.)	Hon. Marvin Aspen
)	
ILLINOIS DEPARTMENT OF FINANCE)	
PROFESSIONAL REGULATIONS, et al.)	
)	
Defendants.)	

DEFENDANT'S MOTION *IN LIMINE* NO. 5
TO BAR PLAINTIFF FROM CLAIMING THE "FAILURE TO
INTERACT" AS A SEPARATE CLAIM UNDER THE ADA.

Defendant, by and through its attorney, Lisa Madigan, Attorney General for Illinois, hereby moves this Honorable Court to enter the following order *in limine*:

1.   Plaintiff claims that Defendant refused to reasonably accommodate her return to work and failed to engage in the interactive process with her. Fourth Am. Compl. ¶ 30, ECF No. 44.

2.   It is well-established that failure to engage in the interactive process does not provide an independent basis for liability under the ADA. *Basden v. Prof'l Transp., Inc.*, 714 F.3d 1034, 1039 (7th Cir. 2013).

3.   Defendant respectfully moves this Court to bar the Plaintiff from asserting "Failure to Interact" as a separate claim under the ADA because it is not an independent basis for liability and is redundant to Plaintiff's failure to accommodate and retaliation claims under the ADA. *See Basden*, 714 F.3d at 1039; Fed. R. Evid. 403.

WHEREFORE, Defendant moves this Honorable Court enter an Order excluding "Failure to Interact" as a separate claim in this matter, and for such further relief that the Court finds reasonable and just.

Respectfully Submitted,

LISA MADIGAN
Illinois Attorney General

s/ *Kevin Lovellette*
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CERTIFICATE OF SERVICE

The undersigned certifies that on March 16, 2017, he electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Northern District of Illinois using the CM/ECF system. All participants in the case are registered CM/ECF users who will be served by the CM/ECF system.

s/ *Kevin Lovellette*